

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ROBERT CRYER,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:08CV39 RWS
)	
MADISON FARM,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before me on plaintiff's motion to appoint counsel. There is no constitutional or statutory right to appointed counsel in a civil case. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors including (1) whether the plaintiff has presented non-frivolous allegations supporting his prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual and legal issues presented by the action are complex. See Battle v. Armontrout, 902 F.2d 701, 702 (8th Cir. 1990); Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

After considering these factors, the Court believes that the facts and legal

issues involved are not so complicated that the appointment of counsel is warranted at this time. Accordingly, the motion for appointment of counsel will be denied.

Plaintiff also asks for a continuance of the scheduling conference set for Friday, May 23, 2008 at 2:00 p.m. The Court will grant the motion and reset the Rule 16 conference. However, no further continuances will be granted absent a demonstration of good cause.

Accordingly,

IT IS HEREBY ORDERED that the motion for appointment of counsel [#4] is denied without prejudice.

IT IS FURTHER ORDERED that the motion to continue the scheduling conference [#19] is granted, and the scheduling conference currently set for Friday, May 23, 2008 at 2:00 p.m. is reset for **Friday, June 6, 2008 at 10:00 a.m.** in Courtroom 10-South.

A handwritten signature in black ink, appearing to read "Rodney W. Sippe", written over a horizontal line.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 20th day of May, 2008.